S.B. Criminal Misc. Bail Application No.2764/2006

Date : 06.07.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mridul Jain for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that though the case is of Section 302 IPC but so far as fatal blow is concerned, that is caused by Kalu and the accused-applicants have not been assigned any specific role, therefore, the case of present applicants are different from other co-accused.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that manner in which the incident took place and injuries were caused to the

complainant party, the accused applicants are not entitled for bail.

Taking into consideration the overall facts and circumstances of the present case and the fact that fatal blow was not inflicted by the accused-applicants, they have made out a case for grant of bail, therefore, I deem it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Magan son of Khatu Bhil and (2) Chhagan son of Nathu Bhil shall be released on bail in FIR No. 85/2006 P.S. Kushalgarh, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.